

Expedited Bill No. 45-06
Concerning: Forest Conservation –
Protection of Champion Trees
Revised: 9-26-06 Draft No. 1
Introduced: October 3, 2006
Expires: April 3, 2008
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Denis and Praisner

AN EXPEDITED ACT to:

- (1) apply the forest conservation law to certain champion trees; and
- (2) generally amend the forest conservation law.

By amending

Montgomery County Code
Chapter 22A, Forest Conservation - Trees
Sections 22A-3, 22A-4, and 22A-12

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 22A-3, 22A-4, and 22A-12 are amended as follows:

22A-3. Definitions.

In this Chapter, the following terms have the meanings indicated:

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Champion tree means the largest tree of its species in the County, as designated by the County Forest Conservancy District Board or the Planning Board, or the designee of either.

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22A-4. Applicability.

Except as otherwise expressly provided in this Chapter, this Chapter applies to:

(a) a person required by law to obtain development plan approval, diagrammatic plan approval, project plan approval, preliminary plan of subdivision approval, or site plan approval;

(b) a person required by law to obtain special exception approval or a sediment control permit on a tract of land 40,000 square feet or larger, and who is not otherwise required to obtain an approval under subsection (a);

(c) cutting or clearing, or any other land disturbing activity that would directly threaten the viability of, any champion tree, wherever located;

[(c)] (d) a government entity subject to mandatory referral on a tract of land 40,000 square feet or larger which is not exempt under subsection 22A-5(f);

[(d)] (e) highway construction not exempt under subsections 22A-5(e) or (p); and

[(e)] (f) a public utility not exempt under subsections 22A-5(g), (o)(1) and (2), or (p).

Any person who expects to cut, clear, or grade more than 5000 square feet of forest or any champion tree, and who believes that the cutting, clearing, or grading is exempt under Section 22A-5, 22A-6, 22A-7, or 22A-8, must notify the Planning Director in writing before performing any cutting, clearing, or grading and seek confirmation from the Director that the cutting, clearing, or grading is in fact exempt from Article II. Failing to notify the Director as required by this Section, or performing any cutting, clearing, or grading before the Director confirms that an exemption applies, is a violation of this Chapter.

22A-12. Retention, afforestation, and reforestation requirements.

* * *

(b) Retention.

* * *

(2) In general, areas protected under this subsection include:

- (A) floodplains, stream buffers, steep slopes, and critical habitats;
- (B) contiguous forests;
- (C) rare, threatened, and endangered species;
- (D) trees connected to an historic site;
- (E) champion trees and other exceptionally large trees; and
- (F) areas designated as priority save areas in a master plan or functional plan.

* * *

Sec. 2. Expedited Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

53 *Approved:*

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George L. Leventhal, President, County Council	Date
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55 *Approved:*

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Douglas M. Duncan, County Executive	Date
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57 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council	Date
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